CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that on March 4, 2003, this document is being deposited with United Parcel Service for express, overnight delivery in an envelope addressed to:

Box TTAB – No Fee Office of the Commissioner for Trademarks 2900 Crystal Drive

Arlington, VA 22202-3513

Kimberly F. Rich

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CONCHITA FOODS, INC.,

Petitioner,

: Cancellation No. 32,853

VS.

Registration No. 2,105,538

FRITOS ENCANTO DE MONTERREY,

S.A. DE C.V.,

Registrant

ANSWER TO PETITION FOR CANCELLATION

TO THE HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS:

Registrant FRITOS ENCANTO DE MONTERREY, S.A. de C.V. ("FRITOS ENCANTO"), by its attorneys, hereby answers the allegations set forth in the Petition for Cancellation filed by Petitioner CONCHITA FOODS, INC. ("CONCHITA FOODS").

GENERAL DENIAL

Except as herein expressly admitted, FRITOS ENCANTO denies each and every allegation contained in the Petition for Cancellation.

SPECIFIC RESPONSES

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- 1. FRITOS ENCANTO has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Petition for Cancellation and, therefore, denies said allegations.
- 2. FRITOS ENCANTO has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Petition for Cancellation and, therefore, denies said allegations.
- 3. FRITOS ENCANTO has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and, therefore, denies said allegations.
- FRITOS ENCANTO has insufficient knowledge or information as to the truth of 4. the allegations set forth in Paragraph 4 of the Petition for Cancellation and, therefore, denies said allegations.
- 5. FRITOS ENCANTO has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Petition for Cancellation and, therefore, denies said allegations.
- 6. FRITOS ENCANTO denies the allegations set forth in Paragraph 6 of the Petition for Cancellation.
- 7. FRITOS ENCANTO denies the allegations set forth in Paragraph 7 of the Petition for Cancellation.

Cancellation No. 32,853 Registration No. 2,105,538 3

ANSWER TO PETITION FOR CANCELLATION

8. FRITOS ENCANTO has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Petition for Cancellation and, therefore, denies said allegations.

AFFIRMATIVE DEFENSES

- 1. The Petition for Cancellation fails to state a claim upon which relief may be granted.
- 2. Each and every one of the purported claims in the Petition of Cancellation is barred by the doctrine of laches.
- 3. Each and every one of the purported claims in the Petition of Cancellation is barred by the doctrine of unclean hands.
- 4. Each and every one of the purported claims in the Petition of Cancellation is barred by the doctrine of estoppel.
- 5. Each and every one of the purported claims in the Petition of Cancellation is barred by the doctrine of acquiescence.

PRAYER FOR RELIEF

Registrant FRITOS ENCANTO denies that Petitioner CONCHITA FOODS is entitled to the relief requested. Registrant FRITOS ENCANTO respectfully prays that Registration No. 2,105,538 not be canceled or declared void.

Dated: March 4, 2003

Respectfully submitted,

BAKER & McKENZIE

Kimberly F. Ric

John G. Flaim Nicole B. Emmons Heiko E. Burow 2001 Ross Avenue, Suite 2300 Dallas, TX 75201 Telephone: 214-978-3000

Facsimile: 214-978-3000

ATTORNEYS FOR REGISTRANT FRITOS ENCANTO DE MONTERREY, S.A. de C.V.

Cancellation No. 32,853 Registration No. 2,105,538

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO PETITION FOR CANCELLATION was served on counsel for Petitioner, this 4th day of March, 2003, by sending same via United Parcel Service express, overnight service, postage prepaid to:

Jesus Sanchelima Sanchelima & Associates, P.A. 235 S.W. Le Jeune Road Miami, Florida 33134-1762

Kimberly F. Rich



TTA8

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Petitioner,

Cancellation No. 32,853

vs.

Registration No. 2,105,538

FRITOS ENCANTO DE MONTERREY,

S.A. DE C.V.,

Registrant

TRANSMITTAL LETTER

Enclosed for filing are the following papers prepared on behalf of Registrant FRITOS ENCANTO DE MONTERREY, S.A. DE C.V. in connection with the above-identified trademark registration:

- (1) Answer to Petition for Cancellation;
- (2) Certificate of Service for Answer to Petition for Cancellation; and

(3) Postcard.

A self-addressed return postcard in accordance with T.M.E.P. Section 703 itemizing all of the above referenced documents filed with the United States Patent and Trademark Office.

Dated: March 4, 2003

Respectfully submitted,

BAKER & McKENZIE

By: Kimberly F. Rich

John G. Flaim Nicole B. Emmons Heiko E. Burow 2001 Ross Avenue, Suite 2300 Dallas, TX 75201 Telephone: 214-978-3000

Facsimile: 214-978-3099

ATTORNEYS FOR REGISTRANT FRITOS ENCANTO DE MONTERREY, S.A. DE C.V.